



Letter No. 627/BCC/97-33 Dated: 24.4.2000

From

Thiru N. Murugan, I.A.S.,
Secretary to Government

To

The Director of Backward Classes & Minorities Welfare, Chennai-5
The Director of Most Backward Classes & Denotified Communities,
Chennai-5
The Principal Commissioner & Commissioner of Revenue
Administration, Chennai-5
All Collectors.

Sir,

Sub: Reservation for other Backward Classes in Civil posts and Services under the Government of India. Issuance of Other Backward Classes certificate and exclusion of Creamy layer among other Backward Classes - Orders communicated - clarifications - issued.

Ref: G.O.Ms. No.12, Backward Classes and Most Backward Classes Welfare Department, dated 28.3.1994.

I am directed to invite your attention to the Government of India, Ministry of Personnel, Public Grievances and Pensions O.M.No.36012 / 22 / 93 - Estt (SC T) dated 8.9.93 communicated in the Government Order cited. Wherein, the Government of India have specified the persons / sections to whom the rule of exclusion will apply. In the above O.M. the Government of India have prescribed under category VI Income / Wealth Test the following will be considered as Creamy Layer:-

- (a) Persons having gross annual income of RS. 1 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.
- (b) Persons in categories I, II, III and V A who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income / Wealth criteria mentioned in (a) above.

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It has also been indicated by Government of India by way of an explanation under this category that income from salaries or Agricultural land shall not be clubbed. In Sl.No.12 of the Application form prescribed by Government of India, Ministry of Personnel, Public Grievances and Pensions for a certificate for eligibility in their O.M. No.36012 / 22 / 93 - Estt. (SCT), dated 22.10.93 also the Annual family income is defined as the income excluding the income from salary and income from agricultural lands. It is seen from the above that the intention of Government of India is exclude the income from the salary for the purpose of calculation of income for exclusion of creamy layer.

2. In this connection, I wish to state that complaints are frequently received by Government from Public and Students belonging to Other Backward Classes to the effect that the Revenue Authorities refused to issue Other Backward Classes certificates solely on the basis of annual income from salaries exceeds RS.1 lakh. According to the Government of India's memorandum referred to above that the employees in Government Departments and Public Sector under takings will not fall under the category creamy layer even though their annual income from salaries exceeds RS. 1 lakh. They will be brought in to Creamy Layer net only if they have gross annual income of RS. 1 lakh from other sources of Wealth as per Sl.No.VI (b).

3. I am, therefore, to inform you that while issuing Other Backward Classes certificates the income from salaries should not be taken into account for the purpose of calculation of annual income for exclusion of Creamy layer. Similarly, the agricultural income also should not be included for the above purpose. I am, to request you to issue instructions to the authorities competent to issue Other Backward Classes certificates under your control to issue Other Backward Classes certificates to eligible persons by bearing in mind the above clarifications and following the criteria prescribed by Government of India.

Yours faithfully,

John Joseph
for Secretary to Government

Copy to:

District Revenue Officers.
All Heads of Department
All District & Sessions Judges.
The Registrar, High Court, Chennai-104.
The Secretary, Tamil Nadu Public Service Commission, Chennai-2.
All Departments of Secretariat.
All District Backward Classes and Minorities Welfare Officers.
The Secretary to Govt. of India, Min. Social Justice and Empowerment, New Delhi.
The Secretary to Govt. of India, Min. of Personnel, Pub. Grievances and Pensions (Dept. of P & T), New Delhi.
Chief Minister's Secretariat, Chennai-9.
O/o. Minister (BC), Chennai-9.